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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,684	05/14/2001	Hidenori Takata	35.C15355	6808
5514	7590	11/03/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TRAN, MAI T	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2121	
DATE MAILED: 11/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

as

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/853,684		TAKATA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Mai T. Tran		2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/14/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

The disclosure is objected to because of the following informalities: on page 4, the paragraph that starts with "In order to realize..." (line 1) and ends with "by said restoring means" (line 8) is duplicate with the next two paragraphs (lines 9-24).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanno (US 5,943,650), hereinafter referred to as Kanno.

**Claim 1**

A storage medium storing software and management software for managing said software (col. 5 lines 63-66), wherein said management software

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comprises a step of restoring and changing a management state of said software (col. 6 line 45-54).

The change in the charge is the changing of the management state and the restoring allows the system to operate with new battery.

**Claim 2**

The storage medium according to claim 1, wherein said storage medium stores a predetermined address and connects to said address for the restoring and changing (col. 10 lines 56-57).

**Claim 3**

An information processing apparatus comprising storing means for storing management software for managing software, wherein said management software comprises:

means for restoring and changing a management state of said software (col. 5 lines 59-62); and

means for connecting to a predetermined site for restoring a management state of said management software by said restoring means (col. 10 lines 44-63). Examiner interprets "site" to be "address".

**Claim 4**

The information processing apparatus according to claim 3, further comprising means for receiving information from the predetermined site and storing it in said storing means (col. 10 lines 41-51).

**Claim 5**

An information processing apparatus comprising:

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means for restoring and changing a management state of management software for managing software (col. 7 lines 22-32); and

means for connecting to a predetermined site for restoring a management state of said management software by said restoring means (col. 10 lines 44-63).

**Claim 6**

The information processing apparatus according to claim 5, further comprising selecting means for restoring the management state by said restoring and changing means (col. 7 lines 42-45).

**Claim 7**

A host device which communicates with an information processing apparatus to restore a management state of management software, said information processing apparatus comprising (col. 10 lines 51-53):

means for restoring and changing the management state of said management software for managing software (col. 7 lines 22-32); and

means for connecting to a predetermined site for restoring the management state of said management software by said restoring means (col. 10 lines 44-63),

said host device comprising means for transmitting information for restoring the management state of said management software in response to a request from said information processing apparatus (col. 10 lines 51-53).

**Claim 8**

The host device according to claim 7, further comprising means for storing information which restores the management state for a plurality of pieces of management software (col. 7 lines 56-59).

**Claim 9**

A storage medium for controlling the use limitation of software comprising a storage area for storing type information indicating a type of use limitation of software, and a storage area for storing information representing the use limitation (col. 6 lines 7-44).

**Claim 10**

The storage medium according to claim 9, storing information meaning one of trial, normal and unlimitedness as said type information (col. 6 lines 7-44).

**Claim 11**

The storage medium according to claim 9, further comprising an area for storing management data (col. 6 lines 7-44).

**Claim 12**

A management apparatus comprising a storage portion for controlling the use limitation of software comprising a storage area for storing type information indicating a type of use limitation of software, and a storage area for storing information representing the use limitation (col. 6 lines 7-44), and means for changing the contents of said storage portion on the basis of the use of software corresponding to said storage portion (col. 7 lines 25-32).

**Claim 13**

The management apparatus according to claim 12, wherein a plurality of said storage portions are disposed (col. 6 lines 56-59).

**Claim 14**

The management apparatus according to claim 12, further comprising a storage portion in which software corresponding to said storage portion is disposed (col. 7 lines 1-3).

**Claim 15**

A management apparatus comprising a storage portion for controlling the use limitation of software comprising a storage area for storing type information indicating a type of use limitation of software, and a storage area for storing information representing use limitation (col. 6 lines 7-44), a software storage portion for storing software corresponding to said storage portion (col. 7 lines 1-3), and means for changing the contents of said storage portion on the basis of the use of software corresponding to said storage portion (col. 7 lines 25-32).

**Claim 16**

The medium according to claim 9, further comprising a storage area for storing a plurality of pieces of type information (col. 7 lines 4-16).

**Claim 17**

An information processing apparatus comprising:

means for restoring and changing a management state of management software for managing software (col. 7 lines 22-32);

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means for connecting to a predetermined site for restoring the management state of said management software by said restoring means (col. 10 lines 44-63); and

control means for displaying a message concerning the restoration and change of software sent from said predetermined site (col.5 line 56).

**Claim 18**

A host device to communicate with an information processing apparatus comprising means for restoring and changing a management state of management software for managing software (col. 7 lines 22-32), and means for connecting to a predetermined site for restoring a management state of said management software by said restoring means (col. 10 lines 44-63), said device thereby restoring the management state of said management software,

said device comprising:

control means for transmitting a message concerning the restoration and change of software to said information processing apparatus (col. 10 line 67); and

means for transmitting information for restoring the management state of said management software (col. 11 lines 2-3 and line 67, col.12 lines 1-4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to



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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno as applied to claim 18 above, and further in view of Judson, U.S. Patent No. 6,457,025 (Judson) and Brown et al., U.S. Patent No. 5,887,133 (Brown).

Kanno teaches all claimed features (col. 7 lines 22-32), (col. 10 lines 44-63), (col. 10 line 67), (col. 11 lines 2-3 and line 67, col.12 lines 1-4). Kanno fails to teach a device that transmits message with appending information indicating the supply source. Judson teaches appending information to a message. This technique can be advantageous to ensure that delivery of relatively large information objects does not other wise slow down the browsing session (col.9 lines 46-48, lines 64-65), (col. 10 lines 4-7). Brown teaches that the appended information can be used for sorting, routing and transmitting information on the Internet (col. 1, lines 40-43). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine

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Kanno with Judson in view of Brown for the purpose of allowing messages on the internet to be sorted, routed and transmitted.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (703) 305-3900. The examiner can normally be reached on M-F 8:30am -- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached at (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mai T. Tran  
Patent Examiner  
Date: 11/1/04

  
Anthony Knight  
Supervisory Patent Examiner  
Tech Center 2100